

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CV-F-05-290 REC/DLB
	)	
	)	ORDER FINDING RESPONDENTS
	)	TO BE IN CIVIL CONTEMPT OF
Petitioner,	)	COURT, DIRECTING ISSUANCE
	)	OF BENCH WARRANT FOR
vs.	)	RESPONDENTS' ARREST BY THE
	)	UNITED STATES MARSHAL
	)	SERVICE, DIRECTING UNITED
V. STEVEN BOOTH and LOUISE Q.	)	STATES MARSHAL TO BRING
BOOTH,	)	RESPONDENTS BEFORE THE
	)	COURT, ORDERING RESPONDENTS
	)	CONFINED IN THE FRESNO
Respondent.	)	COUNTY JAIL, AND ORDERING
	)	RESPONDENTS TO PAY
	)	COMPENSATORY FINE TO THE
	)	UNITED STATES

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Respondents V. Steven Booth and Louise Q. Booth were ordered to appear on August 22, 2005 at 1:30 p.m. and show cause why they should not be found in civil contempt of court.

No appearance by or on behalf of respondents was made. Upon due consideration of the record in this action and for the reasons set forth herein, the court finds respondents V. Steven

Booth and Louise Q. Booth to be in civil contempt of court and issues the sanctions set forth herein.

**1. Background.**

The United States Magistrate Judge filed on May 10, 2005 a recommendation that the IRS summons issued against the respondents be enforced and that respondents be ordered to appear at a hearing for the purpose of complying with the summons, during which hearing the validity of any claim of the privilege against self-incrimination to questions posed to the respondents or to documents subject to summons also may be determined.

On May 19, 2005, respondents filed a "Notice of Appeal of Magistrates Findings [sic] and Recommendations [sic] Re: Tax Summons Enforcement, and Order re: Privilege Logs."

By Order filed on May 25, 2005 (hereinafter referred to as the May 25 Order or the Summons Enforcement Order), the court deemed respondent's notices of appeal filed on May 19, 2005 to be objections to the Magistrate Judge's recommendation pursuant to Rule 72-303(b), Local Rules of Practice. The May 25 Order enforced the IRS summons and ordered respondent to appear on June 17, 2005 at 12:30 p.m. in Courtroom 5

there to be sworn, to give testimony, and to produce for examining and copying the books, checks, records, papers and other data demanded by the summons. The examination shall continue in the same place on July 11, 2005, at a time to be set in writing by Revenue Agent Chynoweth or his designee. At the hearing before Magistrate Judge Beck, any issues regarding the Fifth Amendment privilege against self-incrimination will be ruled on by Magistrate Judge Beck and the

1 hearing will proceed.

2 Respondents then filed a pleading captioned "Notice of  
3 Acceptance as True, Returning as True and Firing in Response to  
4 United States District Judge's Order Dated May 23, 2005 and In  
5 Support of Appeal of United States District Judge's Order Dated  
6 May 23, 2005" wherein it is stated in pertinent part:

7 By special appearance, only and not intended  
8 to constitute an express nor implied waiver  
9 of any and all Rights, privileges or  
10 otherwise that may exist.

11 Secure party also referred to as general  
12 trustee for [named respondent], notifies the  
13 court for purposes of closure and settlement  
14 of the account that the 'Order Deeming  
15 Respondent's 'Notice of Appeal of Magistrates  
16 Findings [sic] and Recommendations [sic]' To  
17 Be Objections to Findings and Recommendation;  
18 Enforcing IRS Summons and Directing  
19 Respondent to Appear on Friday, June 17, 2005  
20 at [specified time] in Courtroom 5' has been  
21 accepted as true and returned as true and the  
22 author has been fired, District Robert E.  
23 Coyle.

24 This pleading is signed by respondents as "Secured party third  
25 party intervener" for V. Steven Booth and Louise Booth. Attached  
26 to this pleading is a copy of the May 25 Order, which copy is  
stamped:<sup>1</sup>

I received your offer of attached May 23,  
2005. I am accepting your offer as true and  
I am returning Your offer as true for closure  
and discharge of this Matter. I am competent  
to handle my own affairs. I am declaring you  
incompetent.

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<sup>1</sup>Respondents filed a similar pleading with respect to the  
Magistrate Judge's findings and recommendation that the IRS summons  
be enforced.

1           You are fired.

2       Respondents also filed a pleading captioned:

3           Notice of Acceptance for Value and Returning  
4           for Value the Order of United States District  
5           Judge Robert E. Coyle Dated May 23, 2005  
6           Pursuant To, But Not Limited To, HJR 192 And  
7           In Support of Notice of Appeal of United  
8           States District Judge's Order Dated May 23,  
9           2005.

10       In these pleading, respondents, again acting as "general trustee"  
11       asserts that the court's May 24, 2005 Order "has been accepted  
12       for value and returned for value pursuant to but not limited to  
13       HJR 192."

14       Thereafter, on June 13, 2005, respondents filed a pleading  
15       captioned:

16           Notice of Appeal of the District Court's  
17           Order Dated May 23, 2005. This Appeal is  
18           Made to the Ninth Circuit Court of Appeals

19       The Notice of Appeal to the Ninth Circuit states that the issues  
20       for appeal are:

21           1) Whether the District Court had  
22           jurisdiction to issue the Order dated May 23,  
23           2005, the entire record considered.

24           2) Whether the enforcement of the summons is  
25           a violation of the Respondent/Appellants 5<sup>th</sup>  
26           amendment privilege.

          3) Whether the court can force the Authorized  
          Agent to testify on behalf of the respondent,  
          since the respondent is an artificial entity.

          Respondents did not move this court for a stay of the  
          Summons Enforcement Order prior to filing the Notice of Appeal to  
          the Ninth Circuit. Respondents did not file a motion for a stay  
          of the Summons Enforcement Order until August 31, 2005.

1 On June 29, 2005, the United States filed a petition to find  
2 respondents in civil contempt for their failure to comply with  
3 the May 24 Order. Attached to this petition is a copy of a  
4 letter dated June 14, 2005 addressed to respondents from  
5 Assistant United States Attorney Himel, wherein it is stated in  
6 pertinent part:

7 As you know, Judge Coyle ordered you all to  
8 appear, produce documents and testify in  
9 Judge Beck's courtroom in the United States  
10 Courthouse in Fresno on June 17, 2005. The  
11 notices of appeal filed in your names have no  
12 effect on your obligations to comply with  
13 Judge Coyle's order in Fresno this Friday.

14 If you fail to comply, I can ask the United  
15 States District Court to hold you in  
16 contempt, have you arrested and brought to  
17 Fresno, and not release you from custody  
18 until you comply.

19 By copy hereof, I ask that Mr. Kaia inform  
20 Ms. Liascos and Messrs. McCan and Innis of  
21 this warning. Thank you for your attention  
22 in this matter.

23 Also attached to the petition is the declaration of Revenue Agent  
24 Fred Chynoweth, who avers in pertinent part:

25 4. At the scheduled times on June 17, 2005,  
26 respondents failed to appear. Although I  
called for [sic] respondents Innis and Booth  
that day to ask whether they intended to  
appear, they did not return my calls. They  
neither appeared before me nor contacted me  
at any time between the Orders and this  
writing [executed on June 24, 2005], and in  
particular they never said they were not  
coming June 17.

5. The [Internal Revenue] Service keeps  
records of employee time spent, by date and  
case. As these records reflect, I spent 6  
hours on these four cases on June 16, 2005,  
and 10 hours on June 17, 2005, for a total

1 for those two days of 16 hours. My gross pay  
2 is \$38.09 per hour; adding my employer-paid  
3 benefits, my agency's total hourly personnel  
4 cost for me is \$48.45. 16 hours times \$48.45  
5 per hour is \$775.20 in personnel costs on  
6 these cases for those days. A copy of my  
7 travel voucher for travel to Fresno for these  
8 cases on June 16-17, 2005 is attached ...; it  
9 shows a total of \$123.94 in travel expenses  
10 for the trip to Fresno to receive records and  
11 testimony from these respondents. The sum of  
12 \$775.20 in salary and benefits plus \$123.94  
13 in travel expenses is \$899.14.

14 6. Respondents failure to comply with the  
15 Order [sic] continues to the present.

16 7. The testimony and the books, records,  
17 papers and other data demanded by the  
18 summonses still are not in the possession of  
19 the Internal Revenue Service.

20 8. The testimony and the books, records,  
21 papers and other data demanded by the  
22 summonses still are needed to determine the  
23 correct tax liabilities of Mr. and Mrs.  
24 Booth, Aligned Enterprises Trust and Alpha  
25 Omega Trust for 1998 through 2002; and of San  
26 Joaquin Wellness and Medical Group and  
Bakersfield Properties and Trust Co. For 2001  
and 2002.

Also attached to the petition is the declaration of Assistant  
United States Attorney Himel, who avers in pertinent part:

2. This Court, by Orders filed May 23-25,  
2005, directed respondents to appear in Judge  
Beck's courtroom on June 17, 2005 ... The  
reason the appearances were to be at Judge  
Beck's courtroom was to have Judge Beck  
available to decide any questions of  
respondents' claims of the privilege against  
self-incrimination. To give Judge Beck the  
exact questions as to which the privilege was  
claimed, the United States office retained a  
court reporter to appear for all four  
sessions.

...

1           4. At the scheduled times on June 17, 2005,  
2           respondents failed to appear. After the  
3           times for appearance by Mr. McCan and Ms.  
4           Liascos passed without their appearing,  
5           around 9:30 a.m., I called for [sic]  
6           respondents Innis and Booth at their  
7           workplace to ask whether they intended to  
8           appear. They were said to be present but  
9           busy. They did not return my calls. They  
10          did not call me any time between the Orders  
11          and this writing [executed on June 29, 2005],  
12          and in particular they never said whether  
13          they were coming June 17.

14          5. I keep records of my time spent on the  
15          job. As these records reflect, I spent 7.25  
16          hours on these four cases on June 16, 2005.  
17          That time was spent preparing for the  
18          respondents' appearances in Fresno, preparing  
19          the case files for the trip, taking Amtrak  
20          from Sacramento to Fresno, and meeting with  
21          the IRS Revenue Agent.

22          6. I spent 7 hours on June 17, 2005. That  
23          time was spent going from the hotel to the  
24          federal courthouse, meeting with the IRS  
25          Revenue Agent, telephoning the organization  
26          where respondents Steven Booth and John Innis  
27          work, awaiting respondents at Judge Beck's  
28          courtroom, going from the federal courthouse  
29          to the Amtrak station, waiting for the train,  
30          and taking Amtrak from Fresno to Sacramento.  
31          The total for these two days is 14.25 hours.

32          7. Under the calculation method prescribed  
33          by my Department, to arrive at an hourly rate  
34          for my work I take the sum of my gross pay of  
35          \$66.06 per hour, benefits at 23% of gross  
36          pay, or \$15.19 per hour, and Department  
37          overhead of \$71.49 per hour. The total rate  
38          is \$152.74 per hour. For tax cases, I.R.C. §  
39          7430(c)(1)(B)(iii) limits attorney's fees to  
40          a figure found in Rev.Proc. 2004-71, Section  
41          3.35, namely \$150 per hour. The \$150 hourly  
42          rate times 14.25 hours comes to \$2,137.50 as  
43          the cost of my time spent on the cases for  
44          the two days.

45          8. Additionally, a printout of my travel  
46          voucher for travel to Fresno for these cases  
47          on June 16-17, 2005 ... shows a total of

1 \$197.50 in travel expenses.

2 9. Additionally, a copy of the court  
3 reporter's bill for \$200.00 in appearance  
4 fees is attached ...

5 10. The sum of the \$2,137.50 for my time  
6 plus the \$197.50 for my travel plus the  
7 \$200.00 for the court reporter plus the  
8 \$899.14 in the Declaration of Revenue Agent  
9 Fred Chynoweth Re: Civil Content ... is  
10 \$3,434.14.

11 On July 15, 2005, the court issued to respondents an Order  
12 to Show Cause re Contempt. The Order to Show Cause orders  
13 respondents to appear in Courtroom 1 on August 22, 2005 at 1:30  
14 p.m. and show cause:

15 1. Why the respondents, JEAN ANNETTE  
16 LIASCOS, LORNE McCAN, V. STEVEN BOOTH, LOUISE  
17 Q. BOOTH, and JOHN INNIS, JR., should not be  
18 held in civil contempt of this Court for  
19 their failure to comply with the 'Orders  
20 Deeming Respondent's "Notice of Appeal of  
21 Magistrate's Findings [sic] and Recommendations  
22 [sic]" to Be Objections to Findings and  
23 Recommendation; Enforcing IRS Summons and  
24 Directing Respondent to Appear on Friday,  
25 June 17, 2005 at [times certain] in Courtroom  
26 5' ('Summons Enforcement Orders').

2. Why the respondents should not be  
incarcerated and order to pay a daily fine  
until they comply with the Summons  
Enforcement Orders, and ordered to pay a  
compensatory fine to the United States.

IT IS FURTHER ORDERED that on or before  
Monday, August 8, 2005 the respondents shall  
file and serve a written response to the  
'Petition Re: Civil Contempt of Orders filed  
May 23-25, 2005.' Only those issues brought  
into controversy by the responsive papers and  
supported by declaration will be considered  
at the hearing on this Order, and any  
uncontested allegation in the Petition Re:  
Civil Contempt will be considered admitted.



1 Respondents are hereby notified that a  
2 failure to comply with this Order will  
3 subject respondents to possible further  
sanctions for contempt of Court.

4 Since the July 15, 2005 Order was served on respondents,  
5 respondents have filed a pleading captioned "Notice of Returning  
6 for Cause, Without Dishonor the Court's Order Dated July 15, 2005  
7 Re: Contempt" and/or have returned the served copy of the July  
8 15, 2005 Order marked "returned for cause without dishonor." In  
9 addition, respondents filed a pleading captioned:

10 Notice of: Notice of Appeal Filed in Response  
to the Court's Order Dated May 23-25, 2005.

11 Notice That This Court Lacks Jurisdiction To  
12 Enforce Its Order Subsequent to Appeal in the  
Ninth Circuit Court.

13 Notice That No Agreement Exists Between  
14 Respondent & The Court Authorizing a Civil  
15 Contempt & Respondent Does Not Agree To The  
Terms of the Proposed Agreement Dated July  
15, 2005 Called An Order.

16 In this pleading, respondents, signing as the "authorized agent",  
17 asserts in pertinent part:

18 By special appearance, only and not intended  
19 to constitute an neither [sic] express nor  
20 implied waiver of any and all Rights,  
privileges or otherwise that may exist.

21 Authorized agent for [name of specific  
22 respondent], notifies the court for purposes  
23 of closure and settlement of the account that  
Notice Of: Notice of Appeal Filed in Response  
To The Court's Order Dated May 23-25, 2005.

24 Notice That This Court Lacks Jurisdiction To  
25 Enforce Its Order Subsequent to Appeal In The  
Ninth Circuit Court.

26 Notice That No Agreement Exists Between  
Respondent & The Court Authorizing A Civil

1 Contempt & Respondent Does Not Agree To The  
2 Terms Of The Proposed Agreement Dated July  
3 15, 2005 Called An Order has been filed for a  
4 special appearance, which is scheduled for  
5 August 22, 2005, in dept 1 of the Federal  
6 Court house [sic], in Fresno, California ....

7 No other responses to the July 15, 2005 Order to Show Cause  
8 have been filed by respondents. As noted, respondents did not  
9 appear on August 22, 2005.

10 **2. Merits of Order to Show Cause Re: Contempt.**

11 **a. Jurisdiction.**

12 Respondents contend that this court lacks jurisdiction to  
13 enforce the Summons Enforcement Order by contempt because  
14 respondents filed an appeal to the Ninth Circuit.

15 Respondents' position is without merit. Absent a stay  
16 pending appeal, district courts have the authority to enforce  
17 their orders including holding parties in contempt while an  
18 appeal of the underlying enforcement order is pending. See  
19 Maness v. Meyers, 419 U.S. 449, 458-460 (1975); Richmark Corp. V.  
20 Timber Falling Consultants, 959 F.2d 1468, 1480 (9<sup>th</sup> Cir. 1992);  
21 In Re Crystal Palace Gambling Hall, Inc., 817 F.2d 1361, 1364  
22 (9<sup>th</sup> Cir. 1987); 26 U.S.C. 7604(b). Here, because respondents  
23 did not apply for and obtain a stay of the Summons Enforcement  
24 Order pending the appeal, their failure to comply with the  
25 Summons Enforcement Order may be sanctioned by contempt.

26 **b. Necessary Showing to Avoid Contempt.**

If a person disobeys a specific and definite court order, he  
may properly be adjudged in contempt. Shuffler v. Heritage Bank,

1 720 F.3d 1141, 1146 (9<sup>th</sup> Cir. 1983). As explained in In re  
2 Crystal Palace Gambling Hall, Inc., supra, 817 F.2d at 1365:

3 'A person fails to act as ordered by the  
4 court when he fails to take "all the  
5 reasonable steps within [his] power to insure  
6 compliance with the [court's] order []." ...  
7 It does not matter what the intent of the  
8 appellants was when they disobeyed the  
9 court's order ... Moreover, the contempt need  
10 not be willful ... Even though "[t]he sole  
11 question is whether a party complied with the  
12 district court's order," a party can escape  
13 contempt by demonstrating that he is unable  
14 to comply ... Although both Crystal Palace  
15 and the shareholders appealed, no stay was  
16 obtained. A party cannot disobey a court  
17 order and later argue that there were  
18 'exceptional circumstances' for doing so.  
19 This proposed 'good faith' exception to the  
20 requirement of obedience to a court order has  
21 no basis in law, and we reject the invitation  
22 to create such an exception.

23 The party alleging civil contempt must demonstrate by clear and  
24 convincing evidence that the parties to be held in contempt  
25 violated the court's orders. See Federal Trade Comm'n v.  
26 Affordable Media, LLC, 179 F.3d 1228, 1239 (9<sup>th</sup> Cir. 1999). The  
burden then shifts to the alleged contemnors to demonstrate why  
they were unable to comply. A party's inability to comply with a  
court's order constitutes a defense to a charge of civil  
contempt. Id. The purpose of civil contempt is not to punish  
but "to coerce the defendant into compliance with the court's  
order, and to compensate the complainant for losses sustained."  
Whittaker Corp. V. Execuair Corp., 953 F.2d 510, 517 (9<sup>th</sup> Cir.  
1992). While the court must use the "least possible power  
adequate to the end proposed," Spallone v. United States, 493

1 U.S. 265, 276 (1990), it also "must consider the character and  
2 magnitude of the harm threatened by continued contumacy, and the  
3 probable effectiveness of any suggested sanction in bringing  
4 about the result desired." Whittaker, id., 953 F.2d at 516.  
5 However, footdragging is an important factor in weighing the use  
6 of a contempt sanction. See Local 28 of the Sheet Metal Workers'  
7 Int'l Ass'n v. EEOC, 478 U.S. 421 476-477 (1986).

8 Here, the record establishes that the United States has  
9 demonstrated by clear and convincing evidence that respondents  
10 violated the Summons Enforcement Order. Respondents did not  
11 appear on June 17, 2005. As the court's docket in this case  
12 demonstrates, respondents received a copy of the Summons  
13 Enforcement Order because respondents filed a pleading stating  
14 that the Order "has been accepted as true and returned as true  
15 and the author has been fired, Judge Robert E. Coyle" and that  
16 respondents are "accepting your offer as true", "returning Your  
17 offer as true for closure and discharge of this Matter", that  
18 respondents are competent, that Judge Coyle is declared  
19 incompetent and that Judge Coyle is "fired". As the docket in  
20 this case demonstrates, respondents received a copy of the Order  
21 to Show Cause re: Contempt because respondents filed a pleading  
22 returning the Order to Show Cause re: Contempt "for cause without  
23 dishonor", and a pleading stating that this court lacks  
24 jurisdiction to hold respondents in contempt because of the  
25 appeals, and that no agreement exists between the respondents and  
26 the court authorizing civil contempt. However, as ruled above,

1 because respondents did not seek and obtain a stay of the Summons  
2 Enforcement Order pending the appeal, the fact of the appeal is  
3 no defense to contempt for failure to comply with the Summons  
4 Enforcement Order. Furthermore, respondents' contentions that  
5 there must be an agreement between respondents and the court  
6 before respondents can be found in contempt for their failure to  
7 comply with the Summons Enforcement Order is frivolous. This  
8 court has statutory and inherent authority to compel compliance  
9 with its orders issued to parties appearing before it. Finally,  
10 the only defense to the failure to comply with the Summons  
11 Enforcement Order is that respondents were unable to comply. No  
12 such showing has been made to this court.

13 Therefore, the United States has carried its burden of  
14 establishing by clear and convincing evidence that respondents V.  
15 Steven Booth and Louise Q. Booth are in civil contempt of this  
16 court by their failure to comply with the Summons Enforcement  
17 Order.

18 **c. Appropriate Sanction.**

19 The United States petitions the court to order coercive  
20 confinement of respondents until respondents have complied with  
21 the Summons Enforcement Order and to impose a compensatory fine  
22 of \$686.00 on each respondent.<sup>2</sup>

23 **I. Coercive Confinement.**

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24  
25 <sup>2</sup>The amount sought to be imposed on respondents as a  
26 compensatory fine represents each respondent's one-fifth share of  
the total expenses incurred by the United States and described in  
detail supra.

1 18 U.S.C. § 1826 provides in pertinent part:

2 (a) Whenever a witness in any proceeding  
3 before or ancillary to any court ... refuses  
4 without just cause to comply with an order of  
5 the court to testify or provide other  
6 information, including any book, paper,  
7 document, record, recording or other  
8 material, the court, upon such refusal, or  
9 when such refusal is duly brought to its  
10 attention, may summarily order his  
11 confinement at a suitable place until such  
12 time as the witness is willing to give such  
13 testimony or provide such information. No  
14 period of such confinement shall exceed the  
15 life of -

16 (1) the court proceeding ....

17 ...

18 before which such refusal to comply with the  
19 court order occurred, but in no event shall  
20 such confinement exceed eighteen months.

21 (b) No person confined pursuant to subsection  
22 (a) of this section shall be admitted to bail  
23 pending the determination of an appeal taken  
24 by him from the order for his confinement if  
25 it appears that the appeal is frivolous or  
26 taken for delay. ....

1 The court concludes from the record before it that coercive  
2 confinement pursuant to Section 1826 is an appropriate sanction  
3 to impose upon respondents for their failure to comply with the  
4 Summons Enforcement Order. The record demonstrates that  
5 respondents refuse to comply with orders of this court, including  
6 refusing to appear at the Order to Show Cause hearing.  
7 Respondents' refusals to comply with court orders are couched in  
8 terms establishing respondents disregard for the authority of  
9 this court and evidences that their refusal to comply with the  
10 Summons Enforcement Order is a deliberate decision on respondents

1 part. The court is persuaded that the harsh sanction of  
2 confinement is the only vehicle most likely to coerce respondents  
3 into complying with the Summons Enforcement Order.

4 **ii. Fines.**

5 As noted, the United States also seeks a compensatory fine  
6 against these respondents in the amount of \$1,372.00.

7 Sanctions for civil contempt may be imposed to coerce  
8 obedience to a court order, or to compensate the party pursuing  
9 the contempt action for injuries resulting from the contemptuous  
10 behavior or both. United States v. United Mine Workers, 300 U.S.  
11 258, 303-304 (1947). Compensatory awards are limited "to actual  
12 losses sustained as a result of the contumacy." Shuffler v.  
13 Heritage Bank, supra, 720 F.2d at 1148.

14 The court concludes from its review of the declarations  
15 filed by the United States and the exhibits attached thereto that  
16 the amount requested by the United States represents the losses  
17 sustained by the United States as a result of respondents'  
18 contumacy. The court further concludes that the sanction imposed  
19 on respondents for their civil contempt in failing to comply with  
20 the Summons Enforcement Order will also include a monetary award  
21 to compensate the United States for each respondent's one-fifth  
22 share of the losses sustained by AUSA Himel, Special Agent  
23 Chynoweth, and the United States in preparing to attend and  
24 attending the summons enforcement proceeding scheduled for  
25 respondent on June 17, 2005.

26 ACCORDINGLY:

1           1. Respondents V. Steven Booth and Louise Q. Booth are  
2 found to be in civil contempt of this court by their failure to  
3 comply with the Summons Enforcement Order.

4           2. Respondents V. Steven Booth and Louise Q. Booth shall  
5 stand committed to and shall be confined in the Fresno County  
6 Jail until they purge themselves of contempt by complying with  
7 the Summons Enforcement Order, the termination of the action, or  
8 eighteen months, whichever is earlier, unless sooner discharged  
9 from such confinement by due process of law.

10          3. Warrants of arrest shall now issue in due form for the  
11 arrest of respondents V. Steven Booth and Louise Q. Booth  
12 directed to the United States marshal for the United States  
13 District Court for the Eastern District of California, Fresno  
14 Division, and that, when arrested by the marshal, respondents V.  
15 Steven Booth and Louise Q. Booth be brought before the Court for  
16 a further hearing to determine whether respondents V. Steven  
17 Booth and/or Louise Q. Booth have complied with the Summons  
18 Enforcement Order.

19          4. Respondents V. Steven Booth and Louise Q. Booth shall be  
20 entitled to the services of appointed counsel at any further  
21 proceedings in connection with this civil contempt proceeding if  
22 he or she establishes that he or she is indigent and, therefore,  
23 entitled to appointed counsel.

24          5. Respondent V. Steven Booth shall pay a compensatory fine  
25 in the amount of \$686.00 to the United States of America, to be  
26 paid to the United States Attorney for the Eastern District of



1 California.

2 6. Respondent Louise Q. Booth shall pay a compensatory fine  
3 in the amount of \$686.00 to the United States of America, to be  
4 paid to the United States Attorney for the Eastern District of  
5 California.

6 IT IS SO ORDERED.

7 Dated: September 6, 2005  
668554

/s/ Robert E. Coyle  
UNITED STATES DISTRICT JUDGE